

BINGHAM McCUTCHEN LLP  
 DONN P. PICKETT (SBN 72257)  
 GEOFFREY M. HOWARD (SBN 157468)  
 HOLLY A. HOUSE (SBN 136045)  
 ZACHARY J. ALINDER (SBN 209009)  
 BREE HANN (SBN 215695)  
 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
 Telephone: (415) 393-2000  
 Facsimile: (415) 393-2286  
 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 holly.house@bingham.com  
 zachary.alinder@bingham.com  
 bree.hann@bingham.com

BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES (Admitted *Pro Hac Vice*)  
 333 Main Street  
 Armonk, NY 10504  
 Telephone: (914) 749-8200  
 Facsimile: (914) 749-8300  
 dboies@bsflp.com  
 STEVEN C. HOLTZMAN (SBN 144177)  
 1999 Harrison St., Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 Facsimile: (510) 874-1460  
 sholtzman@bsflp.com

DORIAN DALEY (SBN 129049)  
 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: (650) 506-4846  
 Facsimile: (650) 506-7114  
 dorian.daley@oracle.com  
 jennifer.gloss@oracle.com

Attorneys for Plaintiffs  
 Oracle USA, Inc. *et al.*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ORACLE USA, INC., et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

Robert A. Mittelstaedt (SBN 060359)  
 Jason McDonell (SBN 115084)  
 Elaine Wallace (SBN 197882)  
 JONES DAY  
 555 California Street, 26<sup>th</sup> Floor  
 San Francisco, CA 94104  
 Telephone: (415) 626-3939  
 Facsimile: (415) 875-5700  
 ramittelstaedt@jonesday.com  
 jmcdonell@jonesday.com  
 ewallace@jonesday.com

Tharan Gregory Lanier (SBN 138784)  
 Jane L. Froyd (SBN 220776)  
 JONES DAY  
 1755 Embarcadero Road  
 Palo Alto, CA 94303  
 Telephone: (650) 739-3939  
 Facsimile: (650) 739-3900  
 tglanier@jonesday.com  
 jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)  
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
 JONES DAY  
 717 Texas, Suite 3300  
 Houston, TX 77002  
 Telephone: (832) 239-3939  
 Facsimile: (832) 239-3600  
 swcowan@jonesday.com  
 jlfuchs@jonesday.com

Attorneys for Defendants  
 SAP AG, SAP AMERICA, INC., and  
 TOMORROWNOW, INC.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING THE  
 UNSEALING OF TRIAL  
 TRANSCRIPTS FOR USE BY THE  
 PARTIES**

Pursuant to Local Rule 7-12, Plaintiffs Oracle USA, Inc., Oracle International Corporation and Siebel Systems, Inc. and Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. (together with Oracle, the “Parties”) jointly submit this Stipulation and [Proposed] Order regarding the unsealing of trial transcripts for use by the Parties.

WHEREAS certain portions of the trial transcript have been sealed by the Court;

WHEREAS the Parties may need to refer to these sealed portions of the transcript in order to submit briefs to the Court either during or after trial; and,

WHEREAS the Parties request that these sealed portions of the transcript remain sealed as to all members of the public until the entry of final judgment in this case.

**NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,** through their respective counsel of record, as follows:

1. That the sealed portions of the trial transcripts may be unsealed as to the Parties, and delivered to them by the Court Reporter; and,

2. That the sealed portions of the trial transcripts remain sealed as to all members of the public until the entry of final judgment in this case.

**IT IS SO STIPULATED.**

DATED: November 10, 2010

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard

Geoffrey M. Howard  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International Corporation and Siebel Systems, Inc.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

DATED: November 10, 2010

JONES DAY

By: /s/ Tharan Gregory Lanier

Tharan Gregory Lanier  
Attorneys for Defendants  
SAP AG, SAP America, Inc., and TomorrowNow, Inc.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: November 12, 2010

